

United States District of Court  
Eastern District of Tennessee

FILED

2011 DEC 12 PM 12:27

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

DEPT. CLERK

Lester Eugene Siler, et al,

Plaintiffs

v.

Civil Action No.

Gerald David Webber, et al,

3:10-CV-334

Defendants

Answer and Motion

Answer:

The defendant, Samuel Reed Franklin denies the complaint.

Motion:

Comes the defendant, Samuel Reed Franklin, respectfully, asking the Court to dismiss complaint. Defendant relies on the following:

That the defendant was served a complaint, Case No. 3:05-CV-341 in 2005 while incarcerated.

That on August 12, 2009, R. Allen Edgar, United States Judge, signed an order to dismiss the case without prejudice. This order was made on motion from Plaintiffs to, voluntary, dismiss against Defendant.

That on November 25, 2011, Defendant received complaint via certified mail from Plaintiffs, Civil Action No. 3:10-CV-334.

That this new complaint filed by Plaintiffs against Defendant was supposed to have happened July 8, 2004. The Plaintiffs failed to show Court in this complaint that the former Complaint was dismissed against the Defendant.

The Defendant, respectfully, requests a Dismissal from the Court based on the following: That the statute of limitation on this complaint has expired.



Samuel Reed Franklin

Defendant

Pro se

December 9, 2011

Dear Clerk,

I, respectfully, request a copy of my answer to be sent to me via mail. I have enclosed a self-addressed, stamped envelope for your convenience.

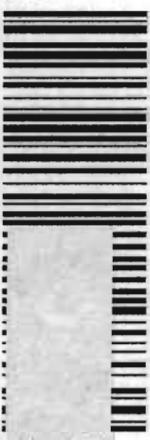
Thank you,



Samuel R. Franklin

**CERTIFIED MAIL™**

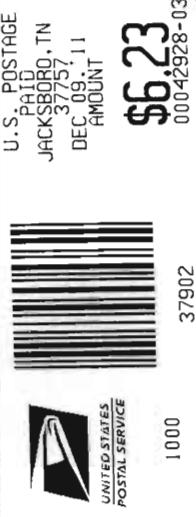
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Eastern District of Tennessee  
Patricia L. McNutt Court Clerk  
800 Market St. Suite 130  
Knoxville, TN 37901-2303